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PATENT  
Atty. Docket No. FJN-060  
(3999/63)

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**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

(Original, Design, National Stage of PCT, Supplemental, Divisional, Continuation or CIP)

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As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NOVEL PROTEINS AND METHODS FOR PRODUCING THE PROTEINS

the specification of which (check one):

- ☒ is attached hereto.
- ☐ was filed on \_\_\_\_\_ as Application Serial No. 0\_\_\_\_ / \_\_\_\_\_ or
- ☐ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to herein.

I acknowledge the continuing duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. §1.56.

PRIORITY CLAIM

- ☐ A. I hereby claim benefit under 35 U.S.C. 119(e) of United States Provisional Application No. \_\_\_\_\_, filed on \_\_\_\_\_.
- ☒ B. I hereby claim foreign priority benefits under 35 U.S.C. §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and I have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

- ☐ no such applications have been filed.
- ☒ such applications have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN  
12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO  
THIS U.S. APPLICATION**

Country	Application Number	Date of Filing (mo., day, year)	Priority Claimed Under 35 USC 119
			<input type="checkbox"/> YES   NO <input type="checkbox"/>

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN  
12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO  
THIS U.S. APPLICATION**

Country	Application Number	Date of Filing (mo., day, year)	Priority Claimed Under 37 USC 119
Japan	54977/1995	Feb. 20, 1995	<input checked="" type="checkbox"/> YES   NO <input type="checkbox"/>
Japan	207508/1995	July 21, 1995	<input checked="" type="checkbox"/> YES   NO <input type="checkbox"/>

- ☒ C. I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. NON-PROVISIONAL APPLICATIONS OR PCT INTERNATIONAL  
APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC §120:**

U.S. APPLICATIONS	U.S. FILING DATE	STATUS
PCT/JP96/00374	Feb. 20, 1996	Pending
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, aband.)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, aband.)

**POWER OF ATTORNEY**

As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

Steven M. Bauer	Reg. No. 31,481
Paula A. Campbell	Reg. No. 32,503
Joseph A. Capraro, Jr.	Reg. No. 36,471
John J. Cotter	Reg. No. 38,116
Gillian M. Fenton	Reg. No. 36,508
Duncan A. Greenhalgh	Reg. No. 38,678
William G. Guerin	Reg. No. P41,047
Douglas J. Kline	Reg. No. 35,574
John D. Lanza	Reg. No. 40,060
Timothy P. Linkkila	Reg. No. P-40,702
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Thomas C. Meyers	Reg. No. 36,989
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Kurt Rauschenbach	Reg. No. 40,137
Michelle B. Rosenberg	Reg. No. 40,792
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Christopher W. Stamos	Reg. No. 35,370
Thomas A. Turano	Reg. No. 35,722
Michael J. Twomey	Reg. No. 38,349
Christine C. Vito	Reg. No. 39,061
Patrick R.H. Waller	Reg. No. P-41,418

Direct correspondence to:

Patent Administrator  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110

Direct telephone calls to:

Paula A. Campbell (617) 248-7263

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

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Full name of inventor	Citizenship
<u>Masaaki Goto</u>	<u>May 21, 1997</u>
Inventor's signature	Date
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Residence	
Same as above	
Post Office Address	

Eisuke Tsuda	Japan
Full name of inventor	Citizenship
<u>Eisuke Tsuda</u>	<u>May 22, 1997</u>
Inventor's signature	Date
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Full name of inventor	Citizenship
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Inventor's signature	Date
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Post Office Address	

Kazuki Yano Japan  
Full name of inventor Citizenship  
Kazuki Yano May 21, 1997  
Inventor's signature Date  
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Residence  
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Post Office Address

Fumie Kobayashi Japan  
Full name of inventor Citizenship  
Fumie Kobayashi May 21, 1997  
Inventor's signature Date  
3777-4, Shimookamoto, Kawachimachi, Kawachi-gun, Tochigi 329-11 Japan  
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Post Office Address

Nobuyuki Shima Japan  
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Inventor's signature Date  
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Residence  
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Post Office Address

Hisataka Yasuda Japan  
Full name of inventor Citizenship  
Hisataka Yasuda May 22, 1997  
Inventor's signature Date  
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Residence  
Same as above  
Post Office Address

Nobuaki Nakagawa Japan  
Full name of inventor Citizenship  
Nobuaki Nakagawa May 21, 1997  
Inventor's signature Date  
Nishiura Heights 2-4, 578-15, Ishibashi, Ishibashimachi, Shimotsuga-gun,  
Tochigi 329-05 Japan  
Residence  
Same as above  
Post Office Address

Tomonori Morinaga Japan  
Full name of inventor Citizenship  
Tomonori Morinaga May 21, 1997  
Inventor's signature Date  
11-12, Saiwaicho 3-chome, Mibumachi, Shimotsuga-gun, Tochigi 321-02 Japan  
Residence  
Same as above  
Post Office Address

Masatsugu Ueda Japan  
Full name of inventor Citizenship  
Masatsugu Ueda May 23, 1997  
Inventor's signature Date  
Maison Musashino 719, 1672-1, Imafuku, Kawagoe-shi, Saitama 350-11 Japan  
Residence  
Same as above  
Post Office Address

Kanji Higashio Japan  
Full name of inventor Citizenship  
Kanji Higashio May 22, 1997  
Inventor's signature Date  
1769-10, Yamada, Kawagoe-shi, Saitama 350 Japan  
Residence  
Same as above  
Post Office Address

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GOTO *et al.*

Appln. No. 10/232,858

Group Art Unit: To Be Assigned

Filed: September 3, 2002

Examiner: To Be Assigned

For: Novel Proteins and Methods for  
Producing the Proteins

Attorney Docket: 16991.004

**Revocation of Prior Power of Attorney,  
Appointment of New Attorneys of Record and  
Change of Correspondence Address**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Sankyo Co., Ltd. is the assignee of the entire right, title, and interest in the above-identified application by virtue of the assignments recorded at the U.S. Patent and Trademark Office on August 20, 1997 at Reel 8770, Frame 0661 and on February 13, 2002 at Reel 012612, Frame 0888, in conjunction with U.S. Application No. 08/915,004.

The undersigned, having express authority to represent Sankyo Co., Ltd. as assignee, hereby revokes all powers of attorney heretofore given in the above-captioned application and appoints the attorneys listed below with full power of substitution, association, and revocation, to prosecute said application and to transact all business in the U.S. Patent and Trademark Office connected therewith.



Matthew Bathon, Reg. No. 51,441  
Timothy C. Bickham, Reg. No. 41,618  
Andrew S. Brenc, Reg. No. 45,534  
Scott A. Chambers, Reg. No. 37,573  
Jay Chawla, Reg. No. 44,073  
June E. Cohan, Reg. No. 43,741  
Danielle M. Edwards, Reg. No. 51,645  
James R. Farrand, Reg. No. 38,136  
Joel M. Freed, Reg. No. 25,101  
Dawn M. Gardner, Reg. No. 44,118  
Barry Herman, Reg. No. 51,254  
Leslie M. Hill, Reg. No. 51,805

Leslie L. Jacobs, Jr., Reg. No. 40,659  
David R. Marsh, Reg. No. 41,408  
Joseph Micallef, Reg. No. 39,772  
Lisa A. Penoyer, Reg. No. 51,204  
Holly Logue Prutz, Reg. No. 47,755  
Joseph W. Ricigliano, Reg. No. 48,511  
Sidney A. Rosenzweig, Reg. No. 43,893  
William Sekyi, Reg. No. 45,831  
Ali R. Sharifahmadian, Reg. No. 48,202  
Michael J. Songer, Reg. No. 39,841  
Milan M. Vinnola, Reg. No. 45,979  
Robert Jones Worrall, Reg. No. 37,969

Please address future correspondence to:

Andrew S. Brenc, Esq.  
ARNOLD & PORTER  
Attn: IP Docketing Department, Room 1126B  
555 Twelfth Street, NW  
Washington, DC 20004-1206

Telephone calls should be directed to (202) 942-5000 and facsimile transmissions to (202) 942-5999.

FOR: SANKYO CO., LTD.

SIGNATURE: Tetsuo Takato

BY: Tetsuo Takato

Representative Director  
TITLE: and President

DATE: September 30, 2002

**Title:**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Goto et al.  
SERIAL NO.: 09/338,063 GROUP NO.: 1644  
FILING DATE: June 23, 1999 EXAMINER: Ewoldt, G.  
TITLE: NOVEL PROTEINS AND METHODS FOR PRODUCING THE  
PROTEINS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

STATEMENT ON THE AVAILABILITY OF DEPOSITED MATERIAL

I, Hiroshi Niki, am in a position to verify that all restrictions imposed by the depositor on the availability to the public of hybridomas, A1G5, D2F4, and E38H, which were deposited on February 5, 2001 as Accession Nos. FERM BP-7441, FERM BP-7442, and FERM BP-7443, respectively, in the National Institute of Bioscience and Human-Technology National Institute of Advanced Industrial Science and Technology, will be irrevocably removed upon granting of a patent on the instant application.

Nov. 2, 2001  
Date

仁木 弘  
Name: Hiroshi Niki, Ph.D.  
Title: Managing Director

(Translation)

INTERNATIONAL FORM

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION  
OF THE DEPOSIT OF MICROORGANISMS FOR THE  
PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the INTERNATIONAL  
DEPOSITARY AUTHORITY identified at the bottom  
of this page.

TO DEPOSITOR:

Name: Research Institute of Life Science  
Snow Brand Milk Products Co., Ltd.  
General Manager: Syozo OBA  
Address: 519 Aza Hanabayashi, Ohaza Shimoishibashi,  
Ishibashi-cho, Shimotsuga-gun, Tochigi-ken,  
329-05, JAPAN

I. IDENTIFICATION OF MICROORGANISM

Identification Reference Given  
by the Depositor:  
ALG6

Accession Number:  
PERM BP-7441

II. A SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC POSITION

The microorganism identified under I above was accompanied  
by a document stating the following item(s).

- ☒ A Scientific Property
- ☒ Taxonomic position

III. RECEIPT AND ACCEPTANCE

This authority accepts the microorganism identified under I  
above, which was received on February 5, 2001.

IV. RECEIPT OF TRANSFER

This authority received the microorganism identified under I  
above on . . . and transfer of the deposit based on  
the Budapest Treaty on . . .

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name: Natinal Institute of Bioscience and Human-Technology  
Natinal Institute of Advanced Industrial Science and  
Technology

Representative: Ohashi Shinichi (Sealed)  
Dr. Ohashi Shinichi, DIRECTOR GENERAL

Address: 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken  
305-8566, JAPAN

Date: February 5, 2001

(Translation)

INTERNATIONAL FORM

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION  
OF THE DEPOSIT OF MICROORGANISMS FOR THE  
PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the INTERNATIONAL  
DEPOSITARY AUTHORITY identified at the bottom  
of this page.

TO DEPOSITOR:

Name: Research Institute of Life Science  
Snow Brand Milk Products Co., Ltd.  
General Manager: Syozo OBA  
Address: 519 Aza Hanabayashi, Ohaza Shimoishibashi,  
Ishibashi-Cho, Shimotsuga-gun, Tochigi-ken,  
329-05, JAPAN

I. IDENTIFICATION OF MICROORGANISM	
Identification Reference Given by the Depositor: D2F4	Accession Number: FERM BP-7442
II. A SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC POSITION	
The microorganism identified under I above was accompanied by a document stating the following item(s). <input checked="" type="checkbox"/> A Scientific Property <input checked="" type="checkbox"/> Taxonomic position	
III. RECEIPT AND ACCEPTANCE	
This authority accepts the microorganism identified under I above, which was received on February 5, 2001.	
IV. RECEIPT OF TRANSFER	
This authority received the microorganism identified under I above on . . . . . and transfer of the deposit based on the Budapest Treaty on . . . . .	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Natinal Institute of Bioscience and Human-Technology Natinal Institute of Advanced Industrial Science and Technology	
Representative: Ohashi Shinichi (Sealed) Dr. Ohashi Shinichi, DIRECTOR GENERAL	
Address: 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken 305-8566, JAPAN	
Date: February 5, 2001	

(Translation)

INTERNATIONAL FORM

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION  
OF THE DEPOSIT OF MICROORGANISMS FOR THE  
PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

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of this page.

TO DEPOSITOR:

Name: Research Institute of Life Science  
Snow Brand Milk Products Co., Ltd.  
General Manager: Syozo OBA  
Address: 519 Aza Hanabayashi, Ohaza Shimoishibashi,  
Ishibashi-cho, Shimotsuga-gun, Tochigi-ken,  
329-05, JAPAN

I. IDENTIFICATION OF MICROORGANISM

Identification Reference Given  
by the Depositor:  
E3H8

Accession Number:  
FERM BP-7443

II. A SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC POSITION

The microorganism identified under I above was accompanied  
by a document stating the following item(s).

- ☒ A Scientific Property
- ☒ Taxonomic position

III. RECEIPT AND ACCEPTANCE

This authority accepts the microorganism identified under I  
above, which was received on February 5, 2001.

IV. RECEIPT OF TRANSFER

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above on . . . . . and transfer of the deposit based on  
the Budapest Treaty on . . . . .

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name: Natinal Institute of Bioscience and Human-Technology  
Natinal Institute of Advanced Industrial Science and  
Technology

Representative: Ohashi Shinichi (Sealed)  
Dr. Ohashi Shinichi, DIRECTOR GENERAL

Address: 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken  
305-8566, JAPAN

Date: February 5, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Goto et al.  
SERIAL NO.: 09/338,063 GROUP NO.: 1644  
FILING DATE: June 23, 1999 EXAMINER: Ewoldt, G.  
TITLE: NOVEL PROTEINS AND METHODS FOR PRODUCING THE  
PROTEINS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

CORROBORATION OF BIOLOGICAL DEPOSIT UNDER MPEP §2406.02

I, Syozo Oba, am in a position to corroborate that the biological material, A1G5, D2F4, and E38H which was deposited on February 5, 2001 as Accession Nos. FERM BP-7441, FERM BP-7442, and FERM BP-7443, respectively, in the National Institute of Bioscience and Human-Technology National Institute of Advanced Industrial Science and Technology is the biological material specifically identified in the above-referenced patent application.

3/23, 2001  
Date

Syozo Oba  
Name: Syozo Oba  
Title: General Manager  
Research Institute of Life Science  
Snow Brand Milk Products Co., Ltd.